

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA**

HERBERT R. LEWIS, JR.,)
)
Plaintiff,)
)
-vs-) Case No. CIV-16-0633-F
)
STATE OF OKLAHOMA, et al.,)
)
Defendants.)

ORDER

Plaintiff, a state pretrial detainee appearing *pro se*, filed this civil rights action pursuant to 42 U.S.C. § 1983. On July 18, 2016, Magistrate Judge Gary M. Purcell filed his Report and Recommendation (doc. no. 6), recommending this cause of action be dismissed without prejudice. In the Report, the magistrate judge found that plaintiff had not complied with the magistrate judge's order, which required plaintiff to either pay the filing fee or submit an application to proceed *in forma pauperis*. The Report also advised that any objection to the Report was due by August 8, 2016, and that failure to make timely objection waives the right to appellate review of both the factual findings and the legal issues contained in the Report.

The filing fee has not been paid, plaintiff has not applied to proceed *in forma pauperis*, no objection to the Report has been filed, and no request for an extension of time within which to object has been made.¹

¹A copy of the Report was mailed to plaintiff at his record address but was returned as undeliverable.

After review, and with there being no objection, the Report and Recommendation is **ADOPTED**. This action is **DISMISSED** without prejudice for the reasons stated in the Report.

Dated this 9th day of August, 2016.



STEPHEN P. FRIOT
UNITED STATES DISTRICT JUDGE

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